

REMARKS

Prior to the present Response, Claims 1-14, 18-20, and 23-30 were pending, and Claims 15-17 and 21-22 were canceled without prejudice or disclaimer. Claims 1-14, 18-20, and 23-30 remain pending in the present application and are currently at issue in the present Response.

In the Final Office Action dated September 18, 2006, Claims 1-8, 12, 13, and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,315,179 issued to Hillis ("*Hillis*") in view of U.S. Patent No. 5,746,365 issued to Scott ("*Scott*") and U.S. Patent No. 5,653,336 issued to Buonaiuto et al. ("*Buonaiuto*"). Claims 9-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hillis* in view of *Scott* and *Buonaiuto* and further in view of U.S. Patent No. 6,478,205 issued to Fujihashi ("*Fujihashi*"). Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hillis* in view of *Scott* and *Buonaiuto* and further in view of U.S. Patent No. 4,750,652 issued to Grant ("*Grant*"). Claims 23 and 25-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fujihashi* in view of U.S. Patent No. 5,020,673 issued to Adams ("*Adams*") and *Hillis*. Finally, Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fujihashi*, *Adams*, and *Hillis* and further in view of U.S. Patent No. 5,713,406 issued to Drury ("*Drury*").

Rejection of Claims 1-8, 12, 13, and 18-20 over *Hillis* in view of *Scott* and *Buonaiuto*

Claims 1-8, 12, 13, and 18-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hillis* in view of *Scott* and *Buonaiuto*. Independent Claim 1 includes "the strap also including an opener that enables the strap to be opened and thereafter be placed around the person's midsection and adjusted via the member" and independent Claim 18 includes a strap having a quick release mechanism wherein the strap is openable and adjustable over the person's shoulder and around the person's midsection. As pointed out in the Office Action, *Hillis* does not teach a strap having an opener or quick release mechanism of Claims 1 and 18. The Office Action relies upon a quick-release buckle taught in *Scott* to satisfy the limitation missing from *Hillis*. Applicant respectfully asserts that it would not have been obvious to one skilled in the art to combine the quick-release buckle of *Scott* with the shoulder harness, or strap, of *Hillis*. The strap that is positionable and adjustable over the shoulder in *Hillis* is attachable to the belt or belt loop of the user, but the strap does not include an opener. *Scott* teaches a strap that is positionable and adjustable over the shoulder as well, but the opposing ends of the strap do not begin and end at the same side of the person. *Scott* also does not teach that the shoulder strap

(FIG. 6) can also be placeable and positionable around the user's midsection. Additionally, the strap taught in *Scott* likewise does not include an opener that allows the strap to be opened and positionable over the person's shoulder or around the person's midsection. The quick-release buckle in *Scott* is attached to the belt that is worn around the user's waist just as the belt worn around the user's waist in *Hillis*. *Scott* does not teach or provide motivation to use the belt having the quick-release buckle at any orientation other than around the user's waist. Accordingly, it would not have been obvious to combine the quick-release buckle of *Scott* with the shoulder strap taught in *Hillis*. Neither *Hillis* nor *Scott* discloses a strap that is multi-functional in which the strap includes and opener that allows the strap to be positionable over the user's shoulder as well as around the user's midsection. Thus, *Scott* fails to cure the deficiency of *Hillis*, hence, any combination of *Scott* with *Hillis* fails to be an obvious combination to one skilled in the art.

In addition, *Buonaiuto* likewise does not include an opener that allows a strap to be opened and placed around the user's midsection as well as over the user's shoulder. Hence, *Buonaiuto* also fails to cure the deficiency of *Hillis* and any combination of *Buonaiuto* with *Scott* and *Hillis* fails to be an obvious combination to one skilled in the art. Therefore, the combination of *Hillis*, *Scott*, and *Buonaiuto* fails teach at least one element of independent Claims 1 and 18. Accordingly, Applicant respectfully submits that Claims 1 and 18 of the present application are patentable over the combination of *Hillis*, *Scott*, and *Buonaiuto* and the Applicant requests the rejection of Claims 1 and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Hillis* in view of *Scott* and *Buonaiuto* to be withdrawn.

Claims 2-8, 12, 13, and 19-20 are dependent claims and include all of the limitations of the independent claim from which they depend. The allowability of Claims 2-8, 12, 13, and 19-20 accordingly flows from the allowability of the independent claim from which they depend. Applicant respectfully requests the rejection of Claims 2-8, 12, 13, and 19-20 under 35 U.S.C. § 103(a) over *Hillis* in view of *Scott* and *Buonaiuto* to be withdrawn for at least the reasons provided above for independent Claims 1 and 18.

Rejection of Claims 9-11 over *Hillis* in view of *Scott*, *Buonaiuto*, and *Fujihashi*

Claims 9-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hillis* in view of *Scott* and *Buonaiuto* and further in view of *Fujihashi*. Claims 9-11 depend from independent Claim 1 and include all of the limitations thereof. As explained above with respect

to Claim 1, the combination of *Hillis* and *Scott* fails to teach a strap placeable over the shoulder of a person and the strap having an opener that enables the strap to be opened and thereafter be placed around the person's midsection. Hence, the combination of *Hillis* and *Scott* likewise fail to teach this element in Claims 9-11 that depend from Claim 1. *Fujihashi* also fails to teach a strap placeable over the shoulder of a person and the strap having an opener that enables the strap to be opened and thereafter be placed around the person's midsection. Accordingly, it would not have been obvious to combine the teachings of *Fujihashi* with the shoulder strap taught in *Hillis*. Thus, *Fujihashi* fails to cure the deficiency of the combination of *Hillis*, *Scott*, and *Buonaiuto*, hence, any combination of *Fujihashi* with the combination of *Hillis*, *Scott*, and *Buonaiuto* fails to be an obvious combination to one skilled in the art. Therefore, the combination of *Hillis*, *Scott*, *Buonaiuto*, and *Fujihashi* fails to teach at least one element of Claims 9-11. Accordingly, Applicant respectfully requests the rejection of Claims 9-11 under 35 U.S.C. § 103(a) over *Hillis* in view of *Scott* and *Buonaiuto* and further in view of *Fujihashi* to be withdrawn for at least the reasons provided above for independent Claim 1.

Rejection of Claim 14 over *Hillis* in view of *Scott*, *Buonaiuto*, and *Grant*

Claim 14 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hillis* in view of *Scott* and *Buonaiuto* and further in view of *Grant*. Claim 14 depends from independent Claim 1 and includes all of the limitations thereof. As explained above with respect to Claim 1, the combination of *Hillis* and *Scott* fails to teach a strap placeable over the shoulder of a person and the strap having an opener that enables the strap to be opened and thereafter be placed around the person's midsection. Hence, the combination of *Hillis* and *Scott* likewise fail to teach this element in Claim 14 which depends from Claim 1. *Grant* also fails to teach a strap placeable over the shoulder of a person and the strap having an opener that enables the strap to be opened and thereafter be placed around the person's midsection. Accordingly, it would not have been obvious to combine the teachings of *Grant* with the shoulder strap taught in *Hillis*. Thus, *Grant* fails to cure the deficiency of the combination of *Hillis*, *Scott*, and *Buonaiuto*, hence, any combination of *Grant* with the combination of *Hillis*, *Scott*, and *Buonaiuto* fails to be an obvious combination to one skilled in the art. Therefore, the combination of *Hillis*, *Scott*, *Buonaiuto*, and *Grant* fails to teach at least one element of Claim 14. Accordingly, Applicant respectfully requests the rejection of Claim 14 under 35 U.S.C. § 103(a) over *Hillis* in view of *Scott* and

Buonaiuto and further in view of *Grant* be withdrawn for at least the reasons provided above for independent Claim 1.

Rejection of Claims 23 and 25-30 over *Fujihashi* in view of *Adams* and *Hillis*

Claims 23 and 25-30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fujihashi* in view of *Adams* and *Hillis*. As indicated in the Office Action, *Fujihashi* fails to teach the following elements of Claim 23: (1) a strap sized to extend from a first side of a person, along the front of the person, over the shoulder on a second side of the person, and return along the back of the person to the first side and (2) a caddy that is movably secured to the strap and includes a member when unfolded exposes a first side having a plurality of compartments sized to hold personal items and at least one other compartment located on a second side of the member. It would not be obvious to one skilled in the art to combine the strap of *Hillis* with the holder of *Fujihashi*. The strap of *Hillis* does not have a caddy or any other member movably secured thereto. The strap taught in *Hillis* provides a safety line for power tools that prevents the tool from hitting the ground if the tool falls. In fact, the strap of *Hillis* is configured to maintain the connection between the power tool and the shoulder strap at a non-movable location. The position of the attachment between the tool and the strap is fixed, and there is no teaching or motivation to combine the shoulder strap of *Hillis* with an article that is movable along the strap. Further, the holder taught in *Fujihashi* is designed to be attached at a convenient location and angle to a belt located around the waist of a user and not to a shoulder strap. Neither *Fujihashi* nor *Hillis* provides a teaching or motivation to combine the movably attached holder in *Fujihashi* to the shoulder strap of *Hillis*, and it would not be obvious to one skilled in the art to attach anything movable to the shoulder strap of *Hillis*. Accordingly, the combination of *Fujihashi* and *Hillis* fails to teach a caddy that is movably secured to a strap that extends around the shoulder of a user.

The carrying case taught in *Adams* is not configured to be attachable to a strap, a belt, or any other garment. Hence, *Adams* also fails to cure the deficiency of *Fujihashi* and any combination of *Adams* with *Fujihashi* and *Hillis* fails to be an obvious combination to one skilled in the art. Therefore, the combination of *Fujihashi*, *Hillis*, and *Adams* fails teach at least one element of independent Claim 23 of the present application.

Further, it would not be obvious to one skilled in the art to combine the holder having multiple compartments taught in *Adams* with the holder having a single compartment taught in

Fujihashi. The carrying case in *Adams* is configured to conceal the storage compartments. To the contrary, the holder in *Fujihashi* is configured to expose the storage compartment for ease of accessibility to the contents stored therein without requiring the user to remove the holder from the belt to which it is attached. It would not be obvious to one skilled in the art to include a plurality of concealed storage compartments on the inwardly-directed side of the holder of *Fujihashi* because the holder in *Fujihashi* is configured to remain attached to an article of clothing when the user accesses the holder. Hence, concealing storage compartments is contrary to providing ready access to the compartment without removing the holder from the garment or clothing, as taught in *Fujihashi*. Accordingly, it would not be obvious to one skilled in the art to combine the teachings of *Adams* with those of *Fujihashi*, and the combination of *Fujihashi* and *Adams* fails to teach at least another element of Claim 23.

In addition, neither *Fujihashi* nor *Adams* teaches a holder having at least one compartment on different sides of the article. *Adams* teaches a carrying case in which the flaps are opened to expose the compartments located on the inwardly-directed side of the carrying case. However, no other side of the carrying case of *Adams* includes at least one compartment. Likewise, *Fujihashi* teaches a single compartment that is on the side opposite the side exposed when the straps are opened. *Fujihashi* also fails to teach a compartment located on any other side of the holder. Moreover, *Adams* is adapted to be carried by the user, and *Fujihashi* is adapted to be attached to a garment or article worn by the user. Thus, it would not be obvious to one skilled in the art to combine *Adams* and *Fujihashi* because neither reference provides compartments on more than one side of the member of the caddy. Hence, it would not be obvious to combine either *Adams* or *Hillis* with *Fujihashi* to teach every limitation of Claim 23 of the present application. Therefore, Applicant respectfully requests the rejection of Claim 23 under 35 U.S.C. § 103(a) as being unpatentable over *Fujihashi* in view of *Adams* and *Hillis* to be withdrawn.

Claims 25-30 depend from Claim 23 and include all of the limitations of Claim 23. The allowability of Claims 25-30 accordingly flows from the allowability of Claim 23. Applicant respectfully requests the rejection of Claims 25-30 under 35 U.S.C. § 103(a) over *Fujihashi* in view of *Adams* and *Hillis* to be withdrawn for at least the reasons provided above for independent Claim 23.

The combination of *Adams* and *Fujihashi* and the combination of *Hillis* and *Fujihashi* amount to nothing more than piecemeal hindsight reconstruction of specific aspects of multiple references using the disclosure of the present application as a guide. The Office Action provides no support for either of the asserted combinations by way of teachings in the references or a suggestion or motivation to combine the different aspects of the references being combined to support a *prima facie* case of obviousness. Accordingly, the combination of *Fujihashi* and *Adams* and the combination of *Hillis* and *Fujihashi* in the manner provided in the Office Action are not proper. Therefore, Applicant respectfully requests the rejection of Claims 23 and 25-30 under 35 U.S.C. § 103(a) as being unpatentable over *Fujihashi* in view of *Adams* and *Hillis* to be withdrawn for this reason as well.

Rejection of Claim 24 over *Fujihashi* in view of *Adams*, *Hillis*, and *Drury*

Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fujihashi*, *Adams*, and *Hillis* and further in view of *Drury*. Claim 24 depends from independent Claim 23 and includes all of the limitations thereof. As explained above with respect to Claim 23, the combination of *Fujihashi*, *Adams*, and *Hillis* fails to teach at least one element of Claim 23. *Drury* fails to cure the deficiency of the combination of *Fujihashi*, *Adams*, and *Hillis*, hence, any combination of *Drury* with *Fujihashi*, *Adams*, and *Hillis* fails to be an obvious combination to one skilled in the art. Therefore, the combination of *Drury* with *Fujihashi*, *Hillis*, and *Adams* fails teach at least one element of Claim 24 of the present application. Accordingly, Applicant respectfully requests the rejection of Claim 24 under 35 U.S.C. § 103(a) as being unpatentable over *Fujihashi*, *Adams*, and *Hillis* and further in view of *Drury* to be withdrawn.

SUMMARY


Applicants assert that pending Claims 1-14, 18-20, and 23-30 are in condition for allowance. Applicant respectfully requests the Examiner to grant allowance of the present application. The Examiner is invited to contact the undersigned attorney for the Applicant via telephone if such communication would expedite the allowance of this application.

No fees are believed due relating to the filing of this Amendment. However, the Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing from this filing.

Respectfully submitted,

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Dated: November 20, 2006